

our competitiveness will be weakened, putting our economic prosperity and national security at risk.

The offshoring of facilities, labor, capital, technology, and information not only hurts our workers, but also threatens the backbone of our knowledge-based economy. Emerging nations such as China and India have realized that technological leadership leads to economic prosperity. Their governments are committed to attracting business investments, technology transfer, and knowledge inflow into their countries through industrial policies, subsidies, and business incentives. The offshoring trend will most likely accelerate and spread as more U.S. companies figure out how to efficiently exploit these incentives, not to mention the large pools of educated low cost foreign labor. Enabled by high speed telecommunication connections, the recent migration of labor-intensive services jobs was primarily motivated by the potential of up to a 90% savings in labor costs.

The innovation structure that served us well in the face of less formidable competition is no longer sufficient in the face of this new fierce global competition. Key components of our innovation infrastructure are deteriorating as federal funding of R&D, the number of science and technology graduates, and business investments in the U.S. continue to decline. Our innovation capacity is further undermined by the massive budget deficits which threaten future federal investments in R&D and education, and increase our exposure to currency manipulation by foreign lenders. This subsequently leads to the loss of manufacturing and service jobs. Our competitiveness is further comprised by international trade agreements that are not adequately enforced when our trade partners fail to live up to their commitments.

We can no longer afford to continue in this Administration's path of denial and inaction. There are no assurances that we will remain a global leader in innovation, and maintain our jobs, our standard of living, and our global market share. If our current employment and education trends are an indication of where we are heading, we will eventually fall behind those countries that are aggressively investing in their people, education, R&D, and businesses.

It is time to begin a national debate on restoring U.S. competitiveness so that we can remain at the cutting edge of innovation. This report presents a five part strategy to address offshoring, including developing policies that encourage greater investments in federal and industrial R&D, K-16 education and lifelong training, commercialization and businesses, and technological infrastructures such as broadband. Concurrently, it is essential that we assist our displaced workforce by extending compensation benefits and providing rapid retraining programs. We need to confront emerging nations that are aspiring to lead by fighting for greater access to overseas markets for goods and services, enforcing fair trade practices, and vigorously defending our intellectual property rights. Lastly, we must address our nation's irresponsible fiscal policy which makes us dependent on foreign purchases of U.S. securities and facilitates currency manipulation, further exacerbating the loss of our manufacturing and services jobs. By taking these proactive steps, we can create an environment that enables Americans to invent and develop the future waves of innovations that will keep quality jobs in U.S. shores.

Following is a summary of my five-part strategy to address offshoring.

1. Improve Safety Nets to Assist Affected Workers

Extend coverage of Trade Adjustment Assistance programs to support and retrain displaced services workers

Provide 3 months notice to workers when they lose their jobs to offshoring

Encourage corporate-sponsored insurance for wage loss

Encourage proactive instead of reactive training, continuous skills updating (e.g. use of Internet gaming and other technologies)

Provide agile and rapid retraining for displaced workforce

Reform and enforce guest visa regulations

2. Encourage Greater Innovation and Technology Development

Increase federal funding in R&D, particularly early stage R&D

Encourage corporate investment in R&D (e.g. permanent and improved collaborative R&D tax credits)

Greater emphasis on services sector in R&D investments

Innovation in services (e.g. greater integration of IT advances in sectors such as healthcare, construction and education services)

Invest in broadband infrastructure

Create environment that rewards risk taken by firms (e.g. eliminate capital gains for new investments in small companies; "make it in USA" tax incentives to domestic firms; accelerate asset depreciation schedules)

3. Invest in Human Capital Through Education and Training

Revitalize workforce training and education by bridging institutional gaps between education and industry

Expand R&D tax credit to encourage industry-university collaboration on science and technology research

Stronger partnerships between companies and community colleges for worker training

Increase graduates in science, technology, engineering, mathematics through incentive grants and special scholarships

Enable retired scientists' participation in education

Improve college readiness through K-16 partnerships

4. Establish and Enforce Effective Trade Policies

Ensure greater access to world markets for U.S. exports

Link additional access to U.S. market to genuine liberalization in overseas markets in both goods and services

Bring WTO dispute settlement cases when trade violations occur

End unfair currency practices in international trade (enact S. 1592, "Fair Currency Enforcement Act of 2003")

Vigorously defend U.S. intellectual property rights to prevent foreign piracy and counterfeiting

Incorporate workers' rights and environmental protection in trade agreements

NINTH CIRCUIT JUDGESHIP AND REORGANIZATION ACT

Mr. BURNS. Mr. President, I rise today in support of a bill introduced last week by my colleague, Senator ENSIGN. I am pleased that he has taken the helm in addressing the many problems posed by an excessively large and cumbersome Ninth Circuit Court of Appeals in his bill S. 2278. I am glad to add my name as a cosponsor of this bill. Montana sits in the Ninth Circuit, whose docket has grown in recent years. In 2003, 12,872 appeals were filed at the court, up almost 1,500 from the previous year. The Ninth Circuit Judgeship and Reorganization Act of 2004 will create two new circuit courts in addition to a restructured Ninth Cir-

cuit. The new Ninth Circuit would still contain California, and also Guam, Hawaii, and the Northern Marianas Islands. The new Twelfth Circuit would include Montana, as well as Arizona, Nevada, and Idaho. The new Thirteenth Circuit would comprise the remaining states: Alaska, Oregon, and Washington. I know many in the Senate have revisited this issue every year, and I am pleased to support this current bill.

Many times the judiciary in this country is bound to make unpopular but correct decisions, but lately, the Ninth Circuit has made decisions which I believe are both unpopular and wrong. Many Montanans who hold far more conservative views than the membership of the Ninth Circuit bench sitting in San Francisco were nonetheless bound to a particularly offensive decision made last year. The court found the phrase "under God" in the Pledge of Allegiance violated the Establishment Clause of the First Amendment when it is recited in school by our youngsters. The Supreme Court has heard this argument last month, and a decision is expected in July. This case highlights the disconnect between the San Francisco-based Ninth Circuit and my State of Montana which it supposedly represents. When I walk around Washington, DC, I see the presence of our forefathers and our tradition everywhere, which includes many references to God in our hallowed halls and on our currency. Many have given their lives in the name of God and country, and this faith has sustained us as a Nation. By limiting the words our children can utter in the classroom in support of this Nation and our faith, the Ninth Circuit has taken yet another step to remove all that is sacred for Americans. Americans know the words to patriotic songs, like "God Bless America" or "America the Beautiful," but this may change if our Nation's young people are not permitted to sing them in a classroom. I find this decision extremely upsetting, because now more than ever, we need to teach our children a little more about faith in America and patriotism. There used to be a time when most young people felt compelled to serve their country, whether it be completed through military or volunteer service, but now it seems as though those numbers lessen every year. In America, we pride ourselves on the willingness of individuals to lend a helping hand, and I am saddened that the court has played an instrumental part in gradually eroding our Nation's values.

One of the other areas the Ninth Circuit has repeatedly addressed is land management, which usually has a negative effect on my State of Montana. One need only look to some of the court's recent decisions, which all share one commonality: they represent

the conclusions of a bench that is thoroughly unfamiliar with land use and its implications on Montana.

It is worth noting at the outset that many cases never make their way to the Ninth Circuit docket, simply because the parties know the fate of their cause. This is especially true for the Forest Service, which has lost many battles in front of the Ninth Circuit, and Montana is certainly not better off for it.

For example, in *Native Ecosystems Council v. Dombeck*, the Ninth Circuit found that the Forest Service violated the National Environmental Policy Act, NEPA, as well as the Endangered Species Act. *Native Ecosystems Council v. Dombeck*, 304 F.3d 886, 890, 9th Cir. 2002. In this case, environmental groups challenged the validity of the Darroch- Eagle timber sale by the Forest Service. At the district court level, the Montana judge felt so strongly that the environmental groups did not have a claim that he granted summary judgment in favor of the Forest Service. This is important given the legal significance of summary judgment. Even if all of the plaintiff's claims are true, there is no legal remedy available. The Ninth Circuit turned this decision on its head, and issued an injunction against the Forest Service so they could not proceed with the sale.

In a similar situation, the Montana district court again granted summary judgment for the Forest Service in 2003, and again, the Ninth Circuit reversed. In *Sierra Club, Inc. v. Austin*, an unreported case, the Ninth Circuit found that the Forest Service's post-burn plan for Lolo National Forest violated NEPA. According to a front-page story carried by the *Missoulian* in December, 2003, the post-burn project would have permitted salvage logging of 2,322 acres and commercial thinning of 2,470, no small undertaking by any means. Even though the court found that the water-quality assessment done by the Forest Service was not arbitrary and capricious, it nonetheless concluded that the actions by the Forest Service in the environmental impact statement, EIS, did not include analysis of the logging effects on unroaded areas, and therefore violated NEPA in that sense.

Also in 2003, the Ninth Circuit found the Forest Service had potentially violated portions of the Montana Wilderness Study Act in *Montana Wilderness Ass'n v. U.S. Forest Serv.*, 314 F.3d 1146, 9th Cir. 2003. This act was passed by Congress in 1977 to allow the study of certain lands, to be called wilderness study areas, so that they could maintain their wilderness character and possibly be included within the National Wilderness Preservation System. Since no final designation of a wilderness area had been given, the Forest Service had been operating under temporary rules for the past 25 years. Apparently, the Ninth Circuit found that there was an issue to be resolved by allowing the trial to proceed,

and remanded the case to go ahead to trial. The case has now been appealed to the Supreme Court.

These three cases highlight recent action of the Ninth Circuit. The last two years have been extremely litigious ones for the Forest Service in Montana, and I regret the time and energy that the Forest Service has had to put forward on this issue, but especially the taxpayers' money involved needed to defend against all of these claims. The Ninth Circuit's sympathy for the claims by various environmental groups has provided an attractive solution to any local Montana court decision they may not like. Unfortunately, the taxpayers end up footing this bill, and the stewards who protect our forests are being second-guessed at every turn.

The Ninth Circuit is also rendered ineffective because of the size of its bench as well as its extensive geographic coverage. There are 47 judges on the bench, and as noted legal scholar Richard A. Posner once explained that the circuit is predisposed to "judicial irresponsibility" because of its size. One Ninth Circuit judge, Andrew Kleinfeld, said the judges do not even have the time to read one another's opinions, which provides little guidance to other judges or those affected by their decisions.

The problems with the Ninth Circuit are due to many factors, whether it be the geographic size of the region, the number of judges, or the impractical decisions issued by those judges. The legislation recently introduced will address this problem, so that Montanans will benefit from a more reasonable bench, which will reflect the opinions of those in our area, rather than those located near San Francisco.

In order to best preserve the common sense that Montanans pride themselves in, I am pleased to support this bill. Let's bring a little common sense back to the judicial system. This is certainly a step in the right direction.

CHARLES F. ALBAUGH'S DEDICATION TO PATRIOTISM

Mr. KENNEDY. Mr. President, today I am proud to pay tribute to the late Charles F. Albaugh, a Vietnam era veteran from Fairhaven, MA. Mr. Albaugh passed away on April 14, 2002, but his love of his country continues to be an inspiration in southeastern Massachusetts.

Shortly after September 11, 2001, Mr. Albaugh was determined to express the emotions we all shared on that terrible day. Although confined to a wheelchair, he went to the interstate overpass running through his town of Fairhaven, MA, and placed American flags on it as a constant reminder to the thousands who passed by each day of the strength and unity of the American people.

Despite his physical limitations, he and his wife Mary Ann tended those flags every day on the Main Street

overpass, no matter the weather. At its peak, this man's monument totaled 175 flags. And each night at dusk, he returned to the overpass with a lit votive candle to pray for the victims of 9/11. His presence was an inspiration to the community and soon drew volunteers to help maintain the flags.

Although Charles Albaugh has left us, his inspiration will be remembered permanently on the Main Street overpass in Fairhaven. On Memorial Day this year, a flagpole and plaque will be dedicated to his memory and to the patriotism and love of country we all share. A light will shine on the flag each night to remind us of Charles Albaugh's inspiration and dedication, and of the candle he lit in prayer each evening on that overpass.

I am pleased to join with those honoring Charles Albaugh and I know that my colleagues in the Senate join in commending their efforts to mark the difference he made in Southeastern Massachusetts.

NATIONAL SUICIDE PREVENTION WEEK

Mr. LEVIN. Mr. President, earlier this month, the Nation marked National Suicide Prevention Week. Suicide takes the lives of more than 30,000 Americans each year and is the eighth leading cause of death in the United States.

According to a 2001 Centers for Disease Control and Prevention study, suicide is the fourth-leading cause of death among children aged 7 to 17. Between 1981 and 1998, the period of the study, 20,775 people in that age group committed suicide, compared with 24,000 in that age group who died of cancer.

Suicide has long been considered an individual mental health issue, but experts are starting to view suicide as a broad public health issue. In 2001, the U.S. Surgeon General released a report citing suicide as a "national public health problem," and announced a national strategy for suicide prevention. Central to that strategy is promoting awareness that suicide is, indeed, preventable.

The same CDC study also highlighted the role of guns in both youth suicide and homicides. During the study period, youth suicides increased by 44 percent, with gun-related suicides making up 80 percent of that increase. At the same time, the number of youths who committed murder with a firearm tripled, even as the total number of murders remained constant. This shows, according to the CDC, that suicide is linked to other social ills, like gun violence.

One of the Surgeon General's recommendations for preventing suicide is to reduce access to guns or other lethal means of suicide. His national suicide prevention strategy recommends not only a public campaign to reduce gun accessibility, but also urges the gun industry to improve firearm safety design.